

REMARKS

The Examiner rejected claims 1-3, 5-19, 26-28, 33-44 under 35 USC 102(b) as being anticipated by Herron et al., US Design Patent Des. 295,011. The Examiner also rejected claims 4, 20-25 and 29-32 under 35 USC 103(a) as being unpatentable over Herron et al.

Claim 1 and, hence, all other claims depending thereon recite a handle having a body defining a body bottom surface provided with a substantially concave indentation. The indentation, in turn, defines an indentation surface located intermediate the encircizable section and the body forward end. The indentation surface has a substantially hook-shaped or arcuate cross-sectional configuration defining an indentation first end located substantially adjacent the encircizable section and an indentation second end located substantially adjacent to the body forward end.

Furthermore, the body defines a cross-sectional first reference plane extending in a substantially perpendicular relationship with the body longitudinal axis and in register with the indentation second end. Claim 1 and all other claims depending thereon further recited the limitation that the indentation surface be configured and sized so that at least a section of the indentation surface is positioned forwardly relative to the first reference plane.

This structural limitation clearly does not appear in the Herron reference or any other cited references. Furthermore, nowhere does Herron or any of the other cited references suggest or even hint at such a structural limitation. In particular, the Herron reference shows a handle defining a body bottom surface having the equivalent of an indentation but wherein

the entire indentation surface is clearly located rearwardly relative to the equivalent of an indentation second end.

It is respectfully submitted that for prior art to anticipate under Section 102, every element of the claimed invention must be identically disclosed, either expressly or under principles of inherency, in a single reference. *Corning Glass Works v. Sumitomo Electric*, 9 U.S.P.Q. 2d 1962, 1965 (Fed. Cir. 1989).

The exclusion of a claimed element, from a prior art reference is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983) ("Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim...").

The claim language is applied element-by-element to the single prior art reference. If it does not literally read, there is no anticipation. *Lewmar Marine, Inc. v. Barent.*, 3 U.S.P.Q. 2d 1766, 1768 (Fed.Cir.1987)

Since the independent claim 1 recites a feature which is not present in any reference, applicant respectfully submits that this claim, and all of the dependant claims, clearly recite a novel structural feature which distinguish the cited references under Section 102.

Applicant also respectfully submits that the above-recited novel feature in the independent claim, and hence in all claims, provides new and unexpected results (see Fig. 1 and explanation of the resulting ergonomic features in the first paragraph of pages 5, the last

paragraph of page 25 and page 26 of the specification) and, hence, should be considered unobvious, making the claims patentable under Section 103.

The present invention seems to be in a relatively crowded art. It is well recognized that in a crowded art, even a small step forward is worthy of patent protection. While the present invention is submitted to be far more than a small one, nevertheless this factor militates in applicant's favor.

It is respectfully submitted that when the rejection of the claims is reviewed in light of the Applicant's arguments, it is believed that the invention, without a doubt, should be considered patentably distinguished over the currently applied references. This application is believed to be in condition for allowance. Such action in due course is earnestly solicited and would be appreciated.

Very respectfully submitted,



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